

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

SHOPNTOWN, LLC, 1000 S.)
Finley Road, Lombard,)
Illinois, 60148,)
Plaintiff,)

CERTIFIED COPY

v.) CIVIL ACTION NO.

LANDMARK MEDIA ENTERPRISES,) 2:08cv564

LLC, 150 W. Brambleton)
Avenue, Norfolk, Virginia,)
23510)

Defendant.)

DEPOSITION UPON ORAL EXAMINATION

OF TERRENCE SLATTERY

TAKEN ON BEHALF OF THE PLAINTIFF

Norfolk, Virginia

July 21, 2009

TAYLOE ASSOCIATES, INC.

Registered Professional Reporters

Telephone: (757) 461-1984

Norfolk, Virginia

<p style="text-align: right;">Page 94</p> <p>1 they do roll up, but there is not going to -- I guess 2 what I'm trying to say is there is not going to be an 3 income statement in a given market for -- if we don't 4 have a print product there, in the markets where 5 the -- where the markets roll. 6 Q. So how do you account for the situation 7 where we talked about in Omaha, Nebraska, where 8 there is no Para Rentar magazine, where for whatever 9 someone in Omaha, Nebraska says I want to be on Para 10 Rentar? 11 A. It's such a rare thing that happens. We 12 just roll that up into the cost center of -- of Para 13 Rentar, of -- of the -- or the -- Senior Outlook. We 14 roll those things up. 15 Q. I see. 16 A. There is not a -- we're not going to have 17 a specific cost center in Omaha, Nebraska because we 18 sold one ad. 19 Q. I got it. I got it. Okay. 20 Now, does -- as far as you understand, 21 for the accounting that Paula McCormick does, there 22 are costs that are direct costs, right, attributable 23 to salaries and rent and, you know, direct costs 24 for -- for For Rent Media Solutions. Does the 25 accounting folks and Paula McCormick also take into</p>	<p style="text-align: right;">Page 96</p> <p>1 prepare for your individual deposition today? 2 A. Yes. 3 Q. What did you do? 4 A. I researched my history of -- of my 5 career to make sure I was accurate with that and 6 logged onto a few of our different areas to make sure 7 I was up to date on some of the ways we do business 8 because I'm not always in touch with -- with the 9 details of our business. 10 Q. When you say logged onto different areas, 11 what did you log on to? 12 A. Our Web site, our management console and 13 some different areas like that. 14 Q. And when you say your Web site, do you 15 mean -- what Web site? 16 A. The ForRent.com Web site. 17 Q. Is this the public facing Web site? 18 A. Yes. 19 Q. Okay. When did you do that? 20 A. Yesterday. 21 Q. And you said that -- did you log on to 22 any of the other -- you know, Para Rentar or any of 23 the others? 24 A. No. 25 Q. No. Any particular reason why or why</p>
<p style="text-align: right;">Page 95</p> <p>1 account the indirect costs, like the portion of 2 Dominion costs that -- you know, that need to be 3 allocated to For Rent Media Solutions? 4 MR. LEVIN: I'll object to the question. 5 I think it's mixing -- they're still fixed costs. 6 BY MR. STERN: 7 Q. All right. I mean, for example -- so, 8 for example, as far as you understand, the salary 9 of the Dominion CEO for example, he oversees a number 10 of -- For Rent Media Solutions and a number of other 11 divisions, right? Do you know if the accounting folks 12 in determining costs apportion -- like apportion of -- 13 the Dominion CEO's salary to For Rent Media Solutions? 14 A. Yes. 15 Q. They do? 16 A. We -- we do, all the fixed costs or 17 all the -- 18 Q. I'm sorry? 19 A. -- all the home office costs. 20 Q. And what is the home office? 21 A. The building that you saw in Norfolk. 22 Q. So you refer to the home office as 23 Dominion Enterprises? 24 A. Yes. That's the home office. 25 Q. All right. Okay. Did you do anything to</p>	<p style="text-align: right;">Page 97</p> <p>1 not? 2 MR. LEVIN: Well, hold -- hold on. 3 MR. STERN: To the extent that you're 4 asking about -- to the extent that the answer would 5 reveal attorney/client privilege, you can -- you 6 should exclude that from your answer. 7 MR. LEVIN: Let's -- let's take a -- two 8 minutes. 9 MR. STERN: Okay. 10 THE VIDEOGRAPHER: We're going off the 11 record at 11:26. 12 (Recess.) 13 THE VIDEOGRAPHER: We're now back on the 14 record at 11:28. 15 BY MR. STERN: 16 Q. Mr. Slattery, before the break I had 17 asked you was there any particular reason why you 18 didn't log on to any of the other For Rent Media 19 Solutions Web sites in preparation for your 20 deposition. Can you answer that question without 21 divulging privileged communications? 22 A. I believe so. 23 Q. And -- and what is the answer? 24 A. Why I didn't log on those sites? 25 Q. Yes.</p>

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A. Quite frankly, those sites are almost irrelevant to our business. They're just small -- very small pieces of our business. I wanted to be familiar -- after reading some of the documents provided that I was familiar with some of the things you might be asking so I just went on to -- to look at those.

Q. Okay. You mentioned that you went on and looked at the management console. What is the management console, as you understand it?

A. It's -- it's something that we allow our cities, our customers -- it's kind of a general place where we keep the relevant data for -- for property, and they can check their leads results that we provide and make relevant changes if they would like to.

Q. Okay. You -- you mentioned that it's something where you -- you allow your cities and your customers. I understand your customers, but what do you mean when you say you allow your cities?

A. Most of the changes that are done in For Rent our customers will not do, so when it's a -- when one of our 350 reps goes to the field they -- and talk to the customers, which they do every month, they come back and input the changes.

Q. So -- so the -- if I understand what

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1 MR. LEVIN: Okay.

2 THE WITNESS: Four or five hours.

3 BY MR. STERN:

4 Q. Okay. Was anyone else present during
5 this meeting?

6 A. No.

7 Q. Okay. This is just a yes or no. Did you
8 review any documents?

9 A. Yes.

10 Q. Okay. Did any of those documents refresh
11 your recollection as to events or circumstances that
12 you had forgotten or were unaware of?

13 A. Can you maybe rephrase that? I'm not
14 sure what you're trying to ask. I --

15 Q. Did you look at any documents and the
16 virtue -- by looking at the document you remembered
17 something that you had forgotten or learned something
18 that you didn't know?

19 A. I don't believe so.

20 Q. Okay. Okay. You mentioned -- so going
21 back previously, you said you went on the management
22 console. What did you do on the management console?

23 A. I had not logged into the management
24 console in probably over a year, and I just wanted
25 to go through and make sure I knew what I was talking

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you're saying, there is situations where For Rent employees log on to the management console and make changes?

A. Exactly.

Q. Okay. At the direction of --

A. Customers.

Q. The customer, okay.

But as far as -- okay. So other than logging on to ForRent.com and going on the management console, did you do anything else -- and reviewing your -- your bio, did you do anything else to prepare for this deposition?

A. Not that I can recall, no.

Q. Did you meet with Mr. Levin or anyone else from his firm?

A. Yes.

Q. Yes, okay. When did you meet with Mr. Levin?

A. Yesterday.

Q. Where?

A. At the home office.

Q. At the -- Dominion Enterprises?

A. Correct.

Q. Okay. For approximately how long did you meet with him?

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1 about with regard to that.

2 Q. Okay. So you -- so you logged on to the
3 management console?

4 A. Yes.

5 Q. Okay. Is -- how -- is there a -- sort
6 of a -- like do you have your own personal account
7 and --

8 A. I do. I used someone else's account in
9 the home office just because I didn't have mine with
10 me.

11 Q. Okay. And -- and because you don't have
12 any, you know, real properties listed, I'm presuming,
13 that you're renting or the person is -- what do you
14 see when you log in?

15 A. When you log in -- you're asking about
16 the management console?

17 Q. Yeah, like for when you did it.

18 A. When I did it, you -- you log in and you
19 type in a city, Atlanta, and it pulls up the listing
20 of properties that we have in our publication and on
21 the line in Atlanta, and there is two buttons. One is
22 the leads button, where you check your leads results,
23 and the other one is where you can see the information
24 about the property.

25 Q. So I'm correct that this is sort of like

the assets themselves don't change very often, so to answer your question, the -- the pricing may change, and it's -- about 20 to 25 percent of our properties change on a monthly basis due to the specials or -- or changes with -- with pricing.

Q. And approximately how many of these large properties -- let's just look for example at the -- starting in the year 2006. Approximately how many large properties were listed with ForRent.com?

A. We've got about 20- -- 20- to 24,000, somewhere in that -- depending on the time of year.

Q. And that includes -- but that also includes properties of for example Avalon Bay and Archstone?

A. Correct. Who do date feeds, right.

Q. All right. Of the large properties that do not do data feeds, do you know approximately how many of those list with ForRent.com?

A. Quick math, I would say we probably do data feeds on close to a thousand properties, is my best estimate, so that leaves anywhere between 19- and 24,000.

Q. Okay. So if -- you said about 25 percent of the properties make a change on any given month?

A. Yeah, 20 to 25 percent on a given month.

1 than one component of the leads -- of the management
2 console, and we've added to some of the functionality.

3 So to answer your question directly, is -- is most
4 of the -- if you -- if you check with our largest
5 customers most of them don't know what it is.
6 BY MR. LEVIN:

7 Q. To the extent that customers that use it,
8 do you believe they use it to -- to change their
9 listings?

10 MR. STERN: Objection.

11 THE WITNESS: I know that statistically
12 and through my history of -- of 17 years of For Rent
13 that we -- we make the changes manually in almost
14 every case through our sales reps or -- through either
15 our sales reps or administrative folks or customer
16 service people.

17 BY MR. LEVIN:

18 Q. And these show up in the GSO stats?

19 A. Yes, they do.

20 MR. LEVIN: I have nothing further.

21 EXAMINATION

22 BY MR. STERN:

23 Q. Okay. I just have a few follow-up
24 questions. I just want to start with the last area of
25 inquiry that Mr. Levin asked you. It's true, is it

Q. So if my math is correct, then on average about 5,000 to 6,000 properties would make a change in any given month, the non feed -- the non feed properties?

A. Right. That's --

Q. And of those changes, these GSO stats represent the changes made by graphic order?

A. Correct. These are generated because each -- each sales rep of our 350 sales reps has an account base and they have to service that account base on a monthly basis and -- and go out and make sure they're happy and make sure their -- their ads are correct, and that's where these are generated, through a conversation and documentation through the graphic service orders.

Q. To your knowledge, do -- these large property owners, do they -- do they find the management console useful?

MR. STERN: Objection.

MR. LEVIN: You may answer.

MR. STERN: You can answer.

THE WITNESS: Most of the larger management companies either don't use it, don't know it exists or -- or use it in varying ways, maybe to pull leads, but there are more -- there is more

1 not, that regardless of whether or not they access --
2 actually access the management console that every
3 customer who lists a property on ForRent.com has
4 access to the management console?

5 A. That's correct.

6 Q. Okay. Meaning that if they wanted to
7 they could log on to modify a listing, right?

8 A. That is correct.

9 Q. And if they wanted to they could log
10 on to get statistical information about their listing?

11 A. No.

12 Q. Okay. So they could not log on for
13 example to see the number of hits?

14 A. Yes. That's results, not listings.

15 Q. Oh, results. So -- so every customer at
16 ForRent.com could or can use the management console to
17 find out the number of hits on their listing?

18 A. Yes.

19 Q. Okay. And is every customer, whether
20 they're a large company or the guy who has one
21 apartment, who lists on ForRent.com, are they provided
22 with a user name and password to access the management
23 console, as far as you know?

24 A. Yes, as far as I know.

25 Q. Okay. Now, you talked earlier about